GUARDIAN
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John W. Bosky
Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101-2907

Re: RCRA Inspection by: Dean Williams of Tetra Tech EM Inc.

John:

This letter addresses items as noted on the Notice of Preliminary Findings report left by Dean Williams on 7/10/2002

Finding 1.
To address the hazardous waste containers noted without accumulation start dates, please be advised that the appropriate dates were marked on each container immediately following the inspection. In addition, the procedure for managing hazardous waste containers has been reviewed by appropriate personnel to prevent this incident from reoccurring.

Finding 2.
To address the containers of used electric lamps noted without the proper waste name, please be advised that the proper name was marked on each container immediately following the inspection. In addition, the procedure for managing the used electric lamps has been reviewed by appropriate personnel to prevent this incident from reoccurring.

Finding 3.
In accordance with 40 CFR262.11, Guardian DeWitt, has historically performed a waste determination on the solid wastes generated from its operations. Unfortunately, Mark Zinger, the facility Environmental Coordinator, was absent from the facility on the date of inspection. Mr. Zinger is responsible for, and had information to provide Mr. Dean Williams, to support the D039 waste code for the used Safety-Kleen parts washer solvent. Basically, the waste determination had historically been made using Generator Knowledge, which was based on information contained in the Material Safety Data Sheet (MSDS) provided by Safety-Kleen, and a statement provided by Safety-Kleen. In the written statement, Safety-Kleen advises its customers about the presence of Tetrachloroethylene (EPA Waste Code D039) in the parts washer solvent as an impurity,

and as such, the spent solvent has the potential to exhibit the hazardous toxicity characteristic for Tetrachloroethylene. Given the likelihood that the concentration of Tetrachloroethylene may very from batch to batch of used parts washer solvent, and to eliminate the expense of testing each small off-site shipment of used solvent, Guardian has elected to manage this waste stream as hazardous for Tetrachloroethylene.

Finding 4 and 5.
In the mirror manufacturing process, xylene is used for varying purposes, one of which is as a solvent for general cleaning. In this capacity, xylene is applied to a shop rag, which in turn is used for cleaning mirror paint from equipment. As routine practice, used rags are hand rung to remove any excess xylene, as used xylene is incorporated back into the painting process, either as a thinning agent, or for reuse in general cleaning. At no time, are wet or saturated xylene contaminated rags placed in hazardous waste accumulation containers for disposal.
With regard to the preliminary finding of the used rags contaminated with xylene not being classified as a F003 hazardous waste, it is Guardian's understanding that the basis for the F003 listed waste code, is exclusively the result of a material exhibiting a hazardous characteristic for ignitability, as defined in 40 CFR261.21. Based on the state (i.e. solid without the presence of free liquids) that the waste material is in at the time it is determined to be a waste, Guardian's interpretation of the ignitibility characteristic definition, and USEPA memorandum on the matter, the spent rags would not take on the waste code of F003, as the waste does not meet the definition of an ignitable waste. Therefore, the listing of F003 on the land disposal restriction (LDR) notification would not be appropriate or required. Guardian will however, continue to manage used rags generated from mirror paint cleanup as hazardous for lead using EPA waste code D008.

Please call me at (563) 659-4000 with any questions you may have.

Regards:

Mark Peterson
Plant Engineer
Guardian Industries Corp. - DeWitt